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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,675	08/22/2001	Kenta Kamoshida	HITA.0096	6668
7590	12/04/2003		EXAMINER	
Stanley P. Fisher Reed Smith Hazel & Thomas LLP 3110 Fairview Park Drive, Suite 1400 Falls Church, VA 22042-4503			KENNEDY, JENNIFER M	
			ART UNIT	PAPER NUMBER
			2812	

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/933,675	KAMOSHIDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jennifer M. Kennedy	2812	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
    1. ☒ Certified copies of the priority documents have been received.  
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9203</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 15 and 16 are objected to because of the following informalities: In line 3 of both claims "substrates" should be substrate, since there is only one first substrate on which the conductive layers are being formed. Further this agrees with the antecedent basis on line 4 of each of the claims.

In line 4 of both claims 15 and 16, " a orientation" should be changed to --an orientation--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner notes that this rejection was made in the non-final action, but the amendment to Claim 13 did not overcome the rejection.

The examiner points to the recitation of " at the same layer" as said scan signal line for claim 13. The examiner is not sure if this means the metallic counter voltage signal line is being formed from the same layer or at the same level as the scan signal

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line. Applicant's cooperation with respect to these grammatical corrections is appreciated.

Claim 13 recites the limitation "and orientation film" in line 16. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests amending the claim to read --and an orientation film-- to provide proper antecedent basis.

Claim 15 recites the limitation "protective film" in line 6. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests amending the claim by adding --a-- before "protective film" to provide proper antecedent basis.

Claim 15 recites the limitation "resin film" in line 6. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests amending the claim by adding --a-- before "resin film" to provide proper antecedent basis.

Claim 16 recites the limitation "protective film" in line 6. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests amending the claim by adding --a-- before "protective film" to provide proper antecedent basis.

Claim 16 recites the limitation "resin film" in line 6. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests amending the claim by adding --a-- before "resin film" to provide proper antecedent basis.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-16 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohta et al. (U.S. Patent No. 6,208,399).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In re claims 15 and 16, Ohta et al. discloses the a liquid crystal display device comprising first (sub1) and second substrates (sub2) with a liquid crystal layer (LC) therebetween, a plurality of metal (conductive) layers (g3, d3, see column 6, lines 54 through 65 and column 7, lines 55-65) formed on the first substrates, an orientation film (ORI1) formed on the first substrate and faced to the liquid crystal layer, wherein a protective film (PSV1) and a resin film (PSV2, see column 8, lines 60-62 and Claim 9) are formed between all of the plurality of metal (conductive) layers and the orientation film.

In re claims 18 and 19, Ohta discloses the method wherein the protective film is made of silicon nitride (PSV1, see column 8, lines 35-40).

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Claims 15-16, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki (U.S. Patent No. 6,531,713).

In re claims 15 and 16, Yamazaki discloses the a liquid crystal display device comprising first (101) and second substrates (502) with a liquid crystal layer (505) therebetween, a plurality of metal (conductive) layers (123, 124) formed on the first substrates, an orientation film (501) formed on the first substrate and faced to the liquid crystal layer, wherein a protective film (158) and a resin film (159) are formed between all of the plurality of metal (conductive) layers and the orientation film.

In re claims 18 and 19, Yamazaki discloses the method wherein the protective film (158) is made of silicon nitride (see column 12, lines 49-50).

### ***Allowable Subject Matter***

Claims 13 and 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art, either singly or in combination, fails to anticipate or render obvious, the limitations of a protective film formed to cover the thin film transistor, said metallic drain electrode plus the pixel electrode, a resin film formed on or over the upper surface of this protective film, at least three layers of protective film, and resin film, plus orientation film are arranged to separate all metal layers form a liquid crystal layer in combination with the counter electrode being formed on the one substrate side with the

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metallic counter voltage signal line being formed at the same layer as the scan signal line in combination with all the other limitations as claimed in independent claim 13.

### ***Response to Amendment***

In view of Applicants' amendment to the specification, the objection is withdrawn.

Applicants' amendment of claim 13 did not overcome the under 35 U.S.C. 112 second paragraph and specifically did not address the examiners mention of "at the same layer" and a lack of antecedent basis problem that was clearly pointed out in the first non-final office action.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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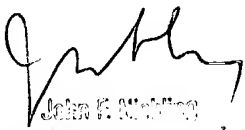
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer M. Kennedy whose telephone number is (703) 308-6171. **After February 3, 2003, the examiner can be reached at (571) 272-1672.** The examiner can normally be reached on Mon.-Fri. 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on (703) 308-3325. **After February 3, 2003 the examiner's supervisor can be reached at (571) 272-1679.** The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
jmk

  
John F. Niebling  
Supervisory Patent Examiner  
Technology Center